

FILED
CLERK, U.S. DISTRICT COURT

12 DEC 03 PM 3:30

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

CENTRAL DIVISION, DISTRICT OF UTAH

THE SCO GROUP INC.	:	Case No. 2:03cv00294 DK
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER GRANTING
	:	INTERNATIONAL BUSINESS
INTERNATIONAL BUSINESS MACHINES	:	MACHINE'S MOTIONS TO COMPEL
CORP.	:	DISCOVERY AND REQUESTS FOR
	:	PRODUCTION OF DOCUMENTS
Defendant.	:	

Defendant/Couterclaim-Plaintiff International Business Machines Corporation's (IBM's) First and Second Motions to Compel Discovery having come before this Court, and the Court having read the corresponding memoranda submitted by both parties, and having heard oral argument on pertinent matters at a hearing on December 5, 2003, hereby enters the following Order

The Court, finding good cause shown, **GRANTS** IBM's First and Second Motions to Compel Discovery.

In accordance with the Court's order Plaintiff/Counterclaim-Defendant The SCO Group, Inc. (SCO) is hereby ORDERED:

1. To respond fully and in detail to Interrogatory Nos. 1-9 as stated in IBM's First Set of Interrogatories.

2. To respond fully and in detail to Interrogatory Nos. 12 and 13 as stated in IBM's Second Set of Interrogatories.

3. IBM is to provide SCO a list of requested documents as stated in IBM's First and Second Requests for the Production of Documents and SCO is to produce all requested documents.

4. To identify and state with specificity the source code(s) that SCO is claiming form the basis of their action against IBM. This is to include identification of all Bates numbered documents previously provided.

5. To the extent IBM's requests call for the production of documents or are met by documents SCO has already provided, SCO is to identify with specificity the location of responsive answers including identification of the Bates numbered documents previously provided if applicable.

6. If SCO does not have sufficient information in its possession, custody, or control to specifically answer any of IBM's requests that are the subject of this order, SCO shall provide an affidavit setting forth the full nature of its efforts, by whom they were taken, what further efforts it intends

to utilize in order to comply, and the expected date of compliance.

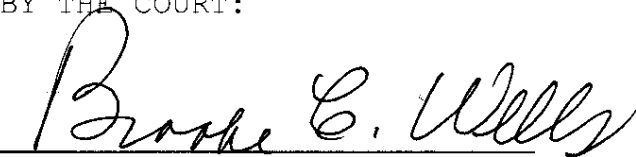
SCO is required to provide such answers and documents within thirty days from the date of this order.

All other discovery, including SCO's Motion to Compel is hereby STAYED until this Court determines that SCO has fully complied with this Order.

The Court will hold a hearing on the forgoing issues January 23, 2004 at 10:00 a.m.

DATED this 12th day of December, 2003.

BY THE COURT:

A handwritten signature in cursive script, reading "Brooke C. Wells", written over a horizontal line.

BROOKE C. WELLS
United States Magistrate Judge

blk

United States District Court
for the
District of Utah
December 12, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent O. Hatch, Esq.
HATCH JAMES & DODGE
10 W BROADWAY STE 400
SALT LAKE CITY, UT 84101
EMAIL

Stephen Neal Zack, Esq.
BOIES SCHILLER & FLEXNER
100 SE 2ND ST STE 2800
MIAMI, FL 33131
EMAIL

David K. Markarian, Esq.
BOIES SCHILLER & FLEXNER
100 SE 2ND ST STE 2800
MIAMI, FL 33131

Evan R. Chesler, Esq.
CRAVATH SWAINE & MOORE
825 EIGHTH AVE
NEW YORK, NY 10019

Thomas G. Rafferty, Esq.
CRAVATH SWAINE & MOORE
825 EIGHTH AVE
NEW YORK, NY 10019

David R. Marriott, Esq.
CRAVATH SWAINE & MOORE
825 EIGHTH AVE
NEW YORK, NY 10019
EMAIL

Mr. Alan L Sullivan, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Todd M. Shaughnessy, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Amy F. Sorenson, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Mr. Kevin P McBride, Esq.
299 S MAIN STE 1700
SALT LAKE CITY, UT 84111